

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

MAY 02 2006

JOHN F. CORCORAN, CLERK
BY: H. McDonald
DEPUTY CLERK

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
ANTHONY LAMARR,)
Defendant.)
)
Criminal Case No. 4:93cr70173-002
ORDER
By: Jackson L. Kiser
Senior United States District Judge

This matter is before the court upon petitioner's motion which the court will construe as a Motion to Set Aside or Reduce Sentence. LaMarr was convicted for conspiracy with intent to distribute cocaine and was sentenced on June 24, 1994, to 240 months imprisonment, a \$10,000.00 fine, and a \$50.00 special assessment. LaMarr now seeks a reduction of the imposed fine.

The court can only correct or reduce sentence, including the imposition of a fine, within seven days from the entry of the judgment or upon motion by the government. Fed. R. Crim. Pro. 35. As more than seven days have elapsed from the imposition of his sentence and as neither the government nor the Bureau of Prisons has made a motion for modification of sentence, I find no basis upon which to reduce LaMarr's sentence. *Id.*; *see also* 18 U.S.C. § 3582(c)(stating that the court can only modify a term of imprisonment once it has been imposed upon a motion from the Director of the Bureau of Prisons or on its own motion if the sentencing range under which the defendant was sentenced has since been lowered).

Accordingly, it is hereby **ORDERED** that LaMarr's Motion to Set Aside Sentence shall be and hereby is **DENIED**.

The Clerk is directed to send certified copies of this order to the defendant.

ENTER: This 2nd day of May, 2006.


Jackson L. Kuhl
Senior United States District Judge